

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

**DONNA M. KOZAK and,
RANDALL DAVID DUE,**

Defendants.

8:12CR344

ORDER

This matter is before the court on the motions for an extension of time by defendant Donna M. Kozak (Kozak) (Filing No. 197) and by defendant Randall Due (Due) (Filing No. 191). Both defendants seek additional time in which to file pretrial motions. The motions will be granted. **However, the defendants are cautioned no further extensions will be granted absent a showing of manifest injustice in the event the request for an extension would be denied.**

IT IS ORDERED:

Defendant Kozak's and Due's motions for an extension of time (Filing Nos. 197 and 191) are granted. The defendants are given until **on or before October 28, 2013**, in which to file pretrial motions pursuant to the progression order. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendants in a speedy trial. The additional **time** arising as a result of the granting of the motions, i.e., **the time between September 16, 2013, and October 28, 2013**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendants require additional time to adequately prepare the case, taking into consideration due diligence of the defendants, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

DATED this 16th day of September, 2013.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge